

This document was signed electronically on December 27, 2018, which may be different from its entry on the record.

IT IS SO ORDERED.

Dated: December 27, 2018



ALAN M. KOSCHIK
U.S. Bankruptcy Judge

201807690
reg

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF OHIO
AT AKRON

IN RE:

LEONARD THOMAS KING,

Debtor

Case No. 18-52007

Chapter 13

Judge Alan M. Koschik

**AGREED ORDER RESOLVING
OBJECTION TO DEBTOR'S PLAN
BY U.S. BANK TRUST, N.A., AS
TRUSTEE FOR LSF9 MASTER
PARTICIPATION TRUST FILED
ON OCTOBER 5, 2018 (PROPERTY
ADDRESS: 2518 SHIRLEY DRIVE
SOUTHWEST, CANTON, OH
44706) DOCKET NO. 27**

This matter having come before the Court upon the Objection to Debtors' Plan filed herein on October 5, 2018 as PACER Docket No. 27 (hereinafter "Objection") by the secured creditor,

U.S. Bank Trust, N.A., as Trustee for LSF9 Master Participation Trust ("Creditor"); and it appearing to the Court that the parties have agreed to a course of action which will otherwise resolve the Objection; and the Court, being otherwise fully advised in the premises, hereby makes the following findings of facts and issues the following Order with respect thereto:

1. The parties hereby agree that Creditor's Proof of Claim filed on October 15, 2018 as Claim No. 7, which includes a pre-petition arrearage claim in the amount of \$62,326.28 ("arrearage") is based upon a properly perfected security interest in the real property located at 2518 Shirley Drive Southwest, Canton, OH 44706 ("Real Property") and shall be allowed in its entirety as a fully secured claim which shall be cured within a reasonable time.

2. Debtors hereby agree to take whatever steps necessary to modify the proposed plan currently before the Court, the proposed modification to be filed with thirty (30) days of the entry of this Order, in order to pay to the Chapter 13 Trustee, out of future income, an amount sufficient to cure the arrearage within a reasonable time and maintenance of post-petition regular monthly mortgage payments pursuant to 11 U.S.C. § 1322(b)(2). Failure by the Debtors to modify the proposed plan currently before the Court in the aforementioned fashion shall constitute a Default. Creditor reserves its right to file an Objection to the proposed modified plan if it appears the modification is not adequate to protect Creditor's interest.

3. In the event of a Default, said Default shall constitute "cause", including lack of adequate protection of its interest in the Real Property, and Creditor may request by motion an order terminating, annulling, or conditioning the automatic stay invoked herein by 11 U.S.C. § 362.

4. Plan confirmation is subject to the terms and conditions stated herein.

SO ORDERED

###

SUBMITTED BY:

/s/Joel K. Jensen
Joel K. Jensen, Case Attorney
Ohio Supreme Court Reg. No. 0029302
LERNER, SAMPSON & ROTHFUSS
P.O. Box 5480
Cincinnati, OH 45201-5480
(513) 241-3100
(513) 241-4094 Fax
nohbk@lsrlaw.com
Attorneys for Creditor

APPROVED BY:

/s/ Mark H. Knevel
Mark H. Knevel, Counsel for Debtor(s)
Ohio Supreme Court #0029285
Kennard Professional Bldg.
5250 Transportation Blvd #201
Garfield Heights, OH 44125
mknevel@knevellaw.com
Attorney for Debtor(s)

/s/ Keith Rucinski
Keith Rucinski, Chapter 13 Trustee
Joseph A. Ferrise, Staff Attorney
Ohio Reg. No. 0084477
One Cascade Plaza, Suite 2020
Akron, OH 44308-1318
(330) 762-6335
(330) 762-7072
efilings@ch13akron.com

COPIES TO:

Joel K. Jensen - Attorney for Movant
LERNER, SAMPSON & ROTHFUSS
P.O. Box 5480
Cincinnati, OH 45202-4007
nohbk@lsrlaw.com
VIA ELECTRONIC SERVICE

Keith Rucinski - Trustee
One Cascade Plaza
Suite 2020
Akron, OH 44308-1318
efilings@ch13akron.com
VIA ELECTRONIC SERVICE

Office of the U.S. Trustee
Howard Metzenbaum U.S. Courthouse
201 Superior Avenue
Cleveland, OH 44114
(Registered address)@usdoj.gov
VIA ELECTRONIC SERVICE

Mark H. Knevel, Esq. – Attorney for Debtors
Kennard Professional Bldg.
5250 Transportation Blvd #201
Garfield Heights, OH 44125
mknevel@knevellaw.com
VIA ELECTRONIC SERVICE

Leonard Thomas King
800 Minota Avenue
Akron, OH 44306
VIA ORDINARY US MAIL